

**REMARKS/ARGUMENTS**

This paper is responsive to the Final Office Action dated March 18, 2004, having a shortened statutory period expiring on June 18, 2004, wherein

Claims 1-8, 12, 15, 18, 19, 21-27, 29, 33, 35, 37-43, 46, 69, 70, 73-77, 87, 90, and 91 were pending; and

Claims 1-8, 12, 15, 18, 19, 21-27, 29, 33, 35, 37-43, 46, 69, 70, 73-77, 87, 90, and 91 were rejected.

Claims 1, 18, 33, and 69 have been amended, no claims have been canceled, and new claims 92-103 have been added by the present response. Accordingly, claims 1-8, 12, 15, 18, 19, 21-27, 29, 33, 35, 37-43, 46, 69, 70, 73-77, 87, 90, and 91-103 remain currently pending in the present application.

**Examiner Interview Teleconference**

Appreciation is expressed for the courtesies extended by the Examiner in the Examiner interview teleconference conducted on May 13, 2004 between Examiner Vortman and Justin M. Dillon, Applicants' representative. During the interview teleconference, the Examiner's rejection of Applicants' claims under 35 U.S.C. §112 was discussed. While no specific agreement was reached, Applicants believe the present response to be in harmony with the positions expressed during the interview teleconference.

**Rejection of Claims under 35 U.S.C. §112**

In the present Office Action, claims 1-8, 12, 15, 18, 19, 21-27, 29, 33, 35, 37-43, 46, 69, 70, 73-77, 87, 90, and 91 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement for containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically, the Examiner states within the present Office Action that,

All independent claims of record 1, 18, 33, and 69, as amended, recite: 'said first conductive end cap comprises a first end coupled to said first terminal and a

second end, and said second conductive end cap comprises a first end coupled to said second terminal and a second end', and 'a second portion of the dielectric material occupies an area from said first ends to said second ends to impede arcing between said first conductive end cap and said second conductive end cap'.

The Examiner further states in the present Office Action that, "the specification does not support the aforementioned limitations, since nowhere in the specification is disclosed that each endcap has a first and a second end. Subsequently, it is not clear how the second portion of the dielectric material may occupy an area from said first ends to said second ends." (Office Action dated March 18, 2004, Paragraph 3, Pages 2-3)

Applicants have amended claims 1, 18, 33, and 69 herein and submit that all currently pending claims are sufficiently described in the Applicants' specification in such a way as to enable one skilled in the art to practice Applicants' invention as claimed. Applicants respectfully disagree with the Examiner's rejection however and traverse as follows. Applicants submit that the Examiner has failed to state a *prima facie* case of nonenablement under 35 U.S.C. §112, first paragraph and further submit that claims 1, 18, 33, and 69 as previously presented in the Amendment filed January 29, 2004 complied with the enablement requirement under 35 U.S.C. §112, first paragraph.

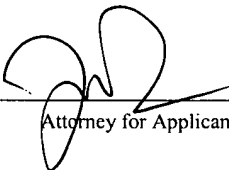
In order to establish a *prima facie* case of nonenablement, the Examiner bears the initial burden of showing a rational basis as to why Applicants' disclosure does not teach or why the objective truth of statements in Applicants' disclosure which purport to teach the manner and process of making and using Applicants' claimed invention to one of ordinary skill in the pertinent technology. A *prima facie* case of nonenablement further requires the Examiner to show that undue experimentation would be required to make and use Applicants' claimed invention given Applicants' disclosure (In re Angstadt, 537 F.2d 489, 190 USPQ 214, 219 (CCPA 1976); In re Armbruster, 512 F.2d 676, 185 USPQ 152, (CCPA 1975)) The present Office Action fails to state how or why undue experimentation would be necessary to make and use Applicants' claimed invention or to consider any factors suggested for making such a determination (see MPEP §2164.01(a)). Consequently, Applicants submit that a *prima facie* case of nonenablement under 35 U.S.C. §112, first paragraph has not been established.

Applicants further submit, as discussed in the Examiner interview teleconference conducted on May 13, 2004, that each of Figures 2C, 2D, and 3A-3F clearly show

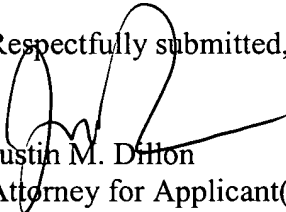
conductive endcaps (320) each having a first end coupled to a first terminal of a fuse element 250 and a second end. Moreover, Applicants refer the Examiner to page 8, lines 12-15 of Applicants' specification which states, "The pair of conductive endcaps include a first end (or terminal) and a second end (or terminal). The first and second ends are used to couple the fuse element to the electronic circuit being protected." Applicants submit that the indicated drawing figures and cited portion of Applicant specification taken alone or in combination would be sufficiently enabling for purposes of 35 U.S.C. §112, first paragraph and that the Examiner's rejection is therefore traversed. Accordingly, Applicants respectfully submit that claims 1, 18, 33, and 69, and all claims depending therefrom, are allowable over the Examiner's rejection.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>6-18-04</u>	
 _____ Attorney for Applicant(s)	<u>6-18-04</u> _____ Date of Signature

Respectfully submitted,

  
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